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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

COMMUNITIES FOR A BETTER
ENVIRONMENT, a California non-profit
corporation,

CASE NO. C 07-02768 JCS

Plaintiff,
vs.

**NOTICE OF SETTLEMENT;
JOINT REQUEST TO VACATE DATES**

ACTION METAL RECYCLING, INC., a
California corporation,

Defendant.

WHEREAS, on February 21, 2008, Communities for a Better Environment and Action Metal Recycling, Inc. (the “Parties”) agreed to the terms of a settlement;

WHEREAS, the Parties are in process of finalizing this settlement in the form of a Consent Agreement;

WHEREAS, upon execution, the Parties will submit the Consent Agreement to the Department of Justice for 45 day review as required by the federal Clean Water Act, 33 U.S.C. 1365 and 40 C.F.R. 135.5;

WHEREAS, upon execution, the Parties will submit the Consent Agreement to this Court for review and approval;

Therefore, the Parties now respectfully request this Court vacate all pending dates for this action, including the February 22, 2008, case management statement filing deadline and the February 29, 2008, case management conference.

Dated: February 21, 2008

/s/

Shana Lazerow¹

Attorney for Plaintiff

COMMUNITIES FOR A BETTER ENVIRONMENT

Dated: February 21, 2008

/s/

W. Lee Smith

TRUTANICH MICHEL, LLP

Attorney for Defendant

Attorney for Defendant
ACTION METAL RECYCLING, INC.

IT IS SO ORDERED.

Date: _____

Honorable Joseph C. Spero
United States Magistrate Judge

¹ As the filing attorney, I certify that counsel for Action Metal has authorized me to file this document with his signature. Pursuant to General Order 45 IX, this action being designated for electronic filing, the above document is deemed served on Defendant upon filing via the ECF.